

ORDINANCE NO. 04-\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING SECTION 10-920 OF CHAPTER 10 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, RELATING TO THE PURPOSE AND INTENT, ALLOWABLE USES, LIST OF PERMITTED USES, AND DEVELOPMENT STANDARDS IN THE RESIDENTIAL PRESERVATION ZONING DISTRICT AND PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the Board of County Commissioners deserves to clarify the intent of the Residential Preservation zoning district specifically with regard to the allowable densities of new development while protecting existing and established residential development;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA:

**SECTION 1.** Chapter 10, Section 10-920 is hereby amended to provide as follows:

(a) *Purpose and intent.* The residential preservation district is characterized by existing homogeneous residential areas within the community predominantly accessible by local streets. The primary function is to protect existing stable and viable residential areas from incompatible land uses and density intrusions. Commercial, retail, office, and industrial activities are prohibited. (Certain nonresidential activities may be permitted, such as home occupations consistent with the applicable provisions of Section 10-1103; community services and facilities/institutional uses consistent with the applicable provisions of Section 10-1104; and churches, religious organizations, and houses of worship. See division 8, supplementary regulations.) Single-family, duplex residences, mobile homes manufactured homes, and cluster housing may be permitted within a range of zero to six units per acre. Compatibility with surrounding residential type and density shall be a major factor in the authorization of development approval and in the determination of the permissible density.

(1) ~~For In~~ residential preservation areas outside the urban service area, the density of the nonvested development in residential preservation areas shall be consistent with the underlying land use category. ~~no more than one unit per ten acres in the rural category; no ore than one dwelling unit per three acres or one dwelling unit per acre if clustered on 25 percent of the site in the urban fringe category.~~

1                   ~~Allowable density and development type in the residential preservation~~  
2 ~~zoning district shall be consistent with any and all existing residential development~~  
3 ~~patterns within the adjacent portions of the affected residential preservation zoning~~  
4 ~~district.~~

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6                   (2) In residential preservation areas inside the urban services area, new  
7 residential development densities shall be consistent with those within the developed  
8 portions of the recorded or unrecorded subdivision in which they are located.  
9 Consistency for the purposes of this paragraph shall mean that proposed lots shall not be  
10 smaller than the smallest lot that was created by the original subdivision plat or any  
11 subsequent replat that may have occurred consistent with County land development  
12 regulations in effect at the time.

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14                   (3) When new residential development inside the urban services area is  
15 proposed for an area not located within a recorded or unrecorded subdivision, densities  
16 shall be permitted in the range of zero to six dwelling units per acre and shall be further  
17 limited to a density of no greater than 25 percent more than that of the densest residential  
18 land development contiguous to the proposed development. Or, in the case of no existing  
19 contiguous residential development, the proposed development shall be limited to a  
20 density of no greater than 25 percent more than that of the densest residential land  
21 development currently existing within one quarter mile. For purposes of this section, the  
22 density of existing residential development shall mean the net density of the residential  
23 development within one quarter mile of the development, consistent with the availability  
24 of central water and sewer service to accommodate the proposed development. If central  
25 water and sewer service is not available, density shall be limited to a maximum of two (2)  
26 dwelling units per acre consistent with all applicable provisions of the Environmental  
27 Management Act.

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29                   (4) Allowable development type shall be construed to mean the  
30 following: number of units (single family vs. duplex) and permitting type (conventional-  
31 building code or DCA approved vs. mobile home/ manufactured home - DHSMV  
32 approved. Areas

33  
34                   a. Parcels proposed for residential which are located in a  
35 recorded or unrecorded subdivision shall develop consistent  
36 with the type of residential development pattern located  
37 inside the recorded or unrecorded subdivision.

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39                   b. Parcels proposed for residential which are located inside  
40 the Urban Service Area and not in a recorded or unrecorded  
41 subdivision shall develop consistent with the type of  
42 residential development pattern located adjacent to the  
43 vacant parcel.

c. Parcels proposed for residential development surrounded entirely by a mix of conventional single-family homes and manufactured homes, residential residences shall only be developed for conventional single-family homes, more residences; areas proposed for residential development surrounded entirely by duplex residences may shall only be developed for duplex residences; areas

d. Parcels proposed for residential development surrounded by a mixture of single-family and duplex development may shall be developed for single-family use only, unless duplex residential development is the predominant type.

e. The placement of standard design manufactured homes and mobile homes shall be allowed in manufactured home parks, in subdivisions platted explicitly for allowing manufactured homes, or as a replacement unit for any lawfully existing manufactured home consistent with the provisions of Article VII of this chapter.

~~(5) The placement of new mobile homes/manufactured homes shall be allowed in existing mobile parks of public record, existing subdivisions platted explicitly for the purposes of allowing either mobile homes or mobile homes and conventional single family homes, or as replacement of any lawfully existing mobile home of public record. The establishment of new mobile home/manufactured home parks shall be consistent with the requirements set forth in Section 10-1105 of this article.~~

(b) *Allowable uses.* For the purpose of this article, the following land use types are allowable in the RP zoning district and are controlled by the land use development standards of this article, the comprehensive plan and schedules of permitted uses.

- (1) Low-density residential.
- (2) Passive recreation.
- (3) Active recreation.
- (4) Community services.
- (5) Light infrastructure.

(c) *List of permitted uses.* See schedules of permitted uses, Section 10-1210. Some of the uses on these schedules are itemized according to the Standard Industrial Code (SIC). Proposed activities and uses are indicated in the schedules. The activity or use may be classified as permitted, restricted, or permitted through special exception, or not allowed. Those uses or activities permitted through special exception shall require review and approval by the Board of County Commissioners consistent with the provisions of Section 10-954.

(d) *Development standards.* All proposed development shall meet the applicable buffer zone standards as outlined in (Section 10-923). For residential development in recorded or unrecorded subdivisions, the development standards including front, rear, side, and side corner yard setbacks for new residential development shall be consistent with the developed portions of the recorded or unrecorded subdivision in which it is located. For new residential development in residential preservation areas not located in recorded or unrecorded subdivisions, the applicable development standards including, but not limited to front, rear, side, and side corner yard setbacks shall be established at the time of subdivision and site and development plan review.

**SECTION 3.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

**SECTION 4.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 5.** This ordinance shall become effective upon adoption.

**DULY PASSED AND ADOPTED BY** the Board of County Commissioners of Leon County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_ 2004.

**LEON COUNTY, FLORIDA**

By: \_\_\_\_\_  
**Jane G. Sauls, Chairman**  
**Board of County Commissioners**

ATTESTED BY:  
BOB INZER, CLERK OF THE COURT  
By: \_\_\_\_\_  
Clerk

1 APPROVED AS TO FORM:  
2

3 COUNTY ATTORNEY'S OFFICE  
4 LEON COUNTY, FLORIDA  
5

6 By: \_\_\_\_\_  
7 HERBERT W. A. THIELE  
8 COUNTY ATTORNEY

DRAFT